

United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	MICHAEL JOEL BROWN,)	No. C 09-00269 JW (PR)
12	Petitioner,)	ORDER OF TRANSFER
13	vs.)	
14	ROBERT A. HOREL, Warden,)	
15	Respondent.)	(Docket Nos. 2 & 7)
16)	
17			

18 Petitioner, a California prisoner currently incarcerated at the Pelican Bay
19 State Prison in Crescent City, filed a pro se petition for a writ of habeas corpus
20 pursuant to 28 U.S.C. § 2254, challenging his state conviction.

21 Venue for a habeas action is proper in either the district of confinement or
22 the district of conviction, 28 U.S.C. § 2241(d). However, Federal courts in
23 California traditionally have chosen to hear petitions challenging a conviction or
24 sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767,
25 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). The
26 petition indicates that petitioner was convicted in Sacramento, County which lies
27 within the venue of the Eastern District of California. See 28 U.S.C. 84(b).

28 Accordingly, the above-titled action is hereby TRANSFERRED to the United

1 States District Court for the Eastern District of California. See 28 U.S.C. §§
2 1404(a), 2241(d); Habeas L.R. 2254-3. In light of this transfer, the Court will defer
3 to the Eastern District with respect to petitioner's motion for leave to proceed in
4 forma pauperis, (Docket No. 2), and motion to file an amended petition, (Docket No.
5 7).

6 The clerk shall transfer this matter and terminate any pending motions.

7 DATED: June 8, 2009

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JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL JOEL BROWN,

Case Number: CV09-00269 JW

Petitioner,

CERTIFICATE OF SERVICE

v.

ROBERT A. HOREL, Warden,

Respondent.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 6/10/2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Joel Brown V-73722
Pelican Bay State Prison
5905 Lake Earl Drive
P. O. Box 7500
Crescent City, Ca 95531

Dated: 6/10/2009

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk